



## NORTH CAROLINA JOURNAL OF INTERNATIONAL LAW AND COMMERCIAL REGULATION

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Volume 24 | Number 2

Article 5

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Winter 1999

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### Recommended Citation

Thomas R. French, *Legal Literature of Eritrea: A Bibliographic Essay*, 24 N.C. J. INT'L L. & COM. REG. 417 (1998).  
Available at: <http://scholarship.law.unc.edu/ncilj/vol24/iss2/5>

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# Legal Literature of Eritrea: A Bibliographic Essay

## **Cover Page Footnote**

International Law; Commercial Law; Law

# Legal Literature of Eritrea: A Bibliographic Essay

*Thomas R. French<sup>†</sup>*

## I. Introduction

With the anticipated expansion of investments by American businesses and the continued interest of the U.S. government in Eritrea, the researcher's need for access to Eritrean resources will grow. As a newly independent and still developing nation, Eritrea presents the researcher with an ever increasing body of English language materials. This bibliographic essay will serve as a guide to the legal, political, and social systems of Eritrea, as well as the historical context under which these systems have developed thus far.

U.S. interest in Eritrea, a nation strategically located on the Red Sea in the Horn of Africa and bordered by the Sudan, Ethiopia, and Djibouti, dates back over half a century.<sup>1</sup> In 1942, the United States established a consulate in Asmara, the capital city of the then-British controlled Eritrea.<sup>2</sup> Throughout most of the Cold War, as control over Eritrea passed from the British government to Ethiopia, U.S. interest continued as the U.S. government maintained a military communications base in the region.<sup>3</sup>

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The author wishes to thank Illen Ghebrai, Kebreab Habte Michael, Mengsteab Negash, Yohannes Habte Selassie, Yohannes Gebremedhin, Eden Fassil, Tekle Abraha, and Bereket Habte Selassie for helping him to develop his interest in the Eritrean legal system. While these individuals have contributed greatly to the author's knowledge of Eritrean law, any mistakes in this essay are the sole responsibility of the author.

<sup>1</sup> See BUREAU OF PUB. AFF., U.S. DEP'T OF STATE, BACKGROUND NOTES: STATE OF ERITREA 4 (Mar. 1998) [hereinafter BACKGROUND NOTES].

<sup>2</sup> See *id.*

<sup>3</sup> See *id.*

In 1994, shortly after Eritrean independence from Ethiopia, Eritrea and the United States signed an Investment Incentive Agreement to promote economic development within the recently independent country.<sup>4</sup> The agreement provided for investment support through the Overseas Private Investment Corporation (OPIC).<sup>5</sup> By 1996, the United States held a six percent share of the Eritrean market<sup>6</sup> with American investment continuing to grow rapidly.<sup>7</sup> As of 1997, the government of Eritrea reported economic growth at a rate of eight percent.<sup>8</sup>

The purpose of this essay is to provide a basic listing of English language materials that will be useful for researching Eritrean law. In developing this list, the author has relied on personal experience and contacts attained as a result of consulting work in Eritrea in 1994, 1995, and 1996, as well as research of periodical literature and bibliographies.<sup>9</sup> Additional sources consulted by the author include many electronic databases<sup>10</sup> and Internet sources.<sup>11</sup> In order to research Eritrean law, it should be

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<sup>4</sup> See Regulation of Foreign Investment Eritrea-United States: Investment Incentive Agreement, May 4, 1994, U.S.-Eri., available in LEXIS, IntLaw Library, BDIEL File.

<sup>5</sup> See *id.*

<sup>6</sup> See *The New Nation of Eritrea Offers Some of the Most Promising Commercial Opportunities in East Africa*, 118 BUS. AM. 12, 12 (1997).

<sup>7</sup> See *id.*; see generally THE EUROPA WORLD YEAR BOOK 1257-61 (39th ed. 1998) [hereinafter EUROPA WORLD YEAR BOOK] (providing statistical data abstracted from the International Monetary Fund and other sources pertaining to the economy of Eritrea); Robert Weissman, *An African Star? Free Eritrea Faces the Challenges Ahead*, MULTINATIONAL MONITOR, July-Aug. 1996, at 24-26 (describing Eritrea's goal of becoming the "Singapore of the twenty-first century" and its intention to create an export-oriented economy with an international financial center); U.S. EMBASSY ASMARA, U.S. DEP'T OF STATE, *Country Commercial Guide FY 1999: Eritrea* (1999) (providing an overview of Eritrea's commercial environment).

<sup>8</sup> See *Nation's GDP Registers 8% Growth*, ERI. PROFILE, Aug. 22, 1998, at 1.

<sup>9</sup> See, e.g., INDEX TO LEGAL PERIODICALS & BOOKS, CURRENT LAW INDEX & INDEX TO FOREIGN LEGAL PERIODICALS, and QUARTERLY INDEX TO PERIODICAL LITERATURE, EASTERN AND SOUTHERN AFRICA.

<sup>10</sup> These include the Library of Congress Catalog, OCLC FIRST Search, EBSCOhost, UNCOVER, LEXIS/NEXIS and Westlaw, Legaltrac, *Academic Index*, and UMI.

<sup>11</sup> See *infra* notes 74-80 and accompanying text. Websites such as the Government of Eritrea homepage and Dehai, an Eritrean listserv, have proved to be invaluable in

noted that many of the finding tools researchers are accustomed to using when researching U.S. law, such as digests, reporters, indexes, and encyclopedias, are nonexistent for Eritrean legal research.

Primary Eritrean research materials include the Constitution<sup>12</sup> and proclamations.<sup>13</sup> There is also a growing body of secondary sources consisting of law review articles, theses, dissertations, reference works, periodical literature, and compilations of documents. Many of these publications, listed in the following paragraphs, contain relevant information about the history of Eritrea both before and after independence. Additionally, a rich body of literature, ranging from novels to personal narratives, and historical accounts of the thirty year struggle for liberation and independence may assist researchers by shedding light on the development of the Eritrean legal system.

## II. Researching Eritrean History and Law

### A. *General Introduction to Eritrea and Its History*

Over the centuries, the Ottoman Empire, Egypt, Italy, Britain, and Ethiopia have ruled Eritrea.<sup>14</sup> Because of this relatively long period of foreign domination<sup>15</sup> customary and civil law, along with Islamic and Ethiopian law, have shaped Eritrea's legal system. As such, current developments may be understood best within the context of the following brief account of the history of Eritrea.

In 1890 Eritrea became an Italian colony<sup>16</sup> following the establishment of its border with Ethiopia pursuant to the Treaty of Ucciali in 1889.<sup>17</sup> Eritrea remained an Italian colony until 1941

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compiling this material.

<sup>12</sup> See *infra* notes 92-145 and accompanying text.

<sup>13</sup> See *infra* notes 148-54 and accompanying text.

<sup>14</sup> See Semere Haile, *Historical Background to the Ethiopia-Eritrea Conflict*, in *THE LONG STRUGGLE OF ERITREA FOR INDEPENDENCE AND CONSTRUCTIVE PEACE* 11, 13-20 (Lionel Cliffe & Basil Davidson eds., 1988).

<sup>15</sup> See generally *EUROPA WORLD YEAR BOOK*, *supra* note 7, at 1255-56.

<sup>16</sup> See J. DENIS DERBYSHIRE & IAN DERBYSHIRE, *POLITICAL SYSTEMS OF THE WORLD* 363 (1996).

<sup>17</sup> See Treaty of Ucciali, Sept. 29, 1889, Eth.-Italy, 172 Consol. T.S. 100; see also Bereket Habte Selassie, *Self-Determination in Principle and Practice: The Ethiopian-*

when the British defeated the Italians there during the Second World War.<sup>18</sup> Following World War II, Eritrea was placed under British administration.<sup>19</sup> British control continued until 1952 when Eritrea became federated with Ethiopia as a locally autonomous nation with its own constitution<sup>20</sup> pursuant to U.N. Resolution 390.<sup>21</sup>

In 1959, Ethiopia imposed its laws on Eritrea.<sup>22</sup> In November 1962, Ethiopia dissolved the Eritrean Representative Assembly, declaring Eritrea's federal status void.<sup>23</sup> In addition, Ethiopia abrogated Eritrea's 1952 federal agreement and the Eritrean Constitution, thereby annexing Eritrea as a province of Ethiopia.<sup>24</sup> Consequently, several Eritrean groups seeking independence for Eritrea began action against the Ethiopian government.<sup>25</sup>

By 1982 the Eritrean People's Liberation Front (EPLF) became the dominant force opposing Ethiopian rule.<sup>26</sup> Following a thirty-year armed struggle and the collapse of the Ethiopian government in May 1991, the EPLF formed a provisional government in Eritrea.<sup>27</sup> Two years later, on May 28, 1993, in a referendum on self-determination, the people of Eritrea voted overwhelmingly for independence.<sup>28</sup> Eritrea became a member of

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*Eritrean Experience*, 29 COLUM. HUM. RTS. L. REV. 91, 112-15 (1997) (describing the Italian colonial period) [hereinafter Selassie, *Self-Determination*].

<sup>18</sup> See EUROPA WORLD YEAR BOOK, *supra* note 7, at 1255.

<sup>19</sup> See *id.*

<sup>20</sup> See ERI. CONST. (1952), reprinted in ETHIOPIA AND ERITREA: A DOCUMENTARY STUDY 201, 232 (Habt Ghebre-Ab ed., 1993).

<sup>21</sup> See G.A. Res. 390, U.N. GAOR, 5th Sess., Supp. No. 20, U.N. Doc. A/1775 (1950).

<sup>22</sup> See GOVERNMENT OF ERI., ERITREA BIRTH OF A NATION 15 (1993).

<sup>23</sup> See *id.*

<sup>24</sup> See DERBYSHIRE & DERBYSHIRE, *supra* note 16, at 363; BACKGROUND NOTES, *supra* note 1, at 4; Selassie, *Self-Determination*, *supra* note 17, at 114-16.

<sup>25</sup> See DERBYSHIRE & DERBYSHIRE, *supra* note 16, at 363; see also Gary D. Strauss, *Eritrea: The Struggle of Peace Begins*, 2 J. INT'L L. & PRAC. 197 (1993) (reviewing Ethio-Eritrean relations during the period before 1991, the Referendum of 1993, and prospects for Eritrea as an independent state).

<sup>26</sup> See DERBYSHIRE & DERBYSHIRE, *supra* note 16, at 363.

<sup>27</sup> See *id.*

<sup>28</sup> See BACKGROUND NOTES, *supra* note 1, at 5; DERBYSHIRE & DERBYSHIRE, *supra* note 16, at 363; see also U.N. "Peace-Building" Gives Birth to a New Nation, 30 UN

the United Nations in May 1993, and the United States immediately recognized Eritrea as an independent state.<sup>29</sup> The provisional government of Eritrea declared a four year transitional period during which a constitution was to be drafted, political pluralism developed, and an elected government established.<sup>30</sup> Ultimately, the EPLF emerged as a newly constituted political party, the People's Front for Democracy and Justice (PFDJ).<sup>31</sup>

Since independence and admission to the United Nations in 1993, Eritrea has been developing its own legal system while also utilizing the law and legal heritage it shares with Ethiopia.<sup>32</sup> Even before independence, the EPLF began to adopt laws<sup>33</sup> and to formulate legal objectives for Eritrea.<sup>34</sup> The struggle for independence ended rather suddenly when the Ethiopian government fell in 1991, leaving Eritrea with an immediate need for laws regulating daily life. As a result, "it was only natural and practical for the then Provisional Government of Eritrea to adapt the Ethiopian codes with some necessary amendments."<sup>35</sup> Ethiopian laws were modified to fit with Eritrean concepts of morality and justice and the culture of Eritrea. Adaptations included provisions for enhanced women's rights, decreased time allowed for preventative detention, and an added presumption of

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MONTHLY CHRON. 39 (Sept. 1993) (describing the United Nation's oversight of the referendum); AFRICAN-AMERICAN INSTITUTE, ERITREA: REPORT ON THE REFERENDUM ON INDEPENDENCE: APRIL 23-25 (1993) (discussing the referendum).

<sup>29</sup> See Marian Nash, *Recognition of States—United States—Angola*, 87 AM. J. INT'L L. 595, 597 (1993) (quoting statement of Richard Boucher of the U.S. State Department).

<sup>30</sup> See EUROPA WORLD YEAR BOOK, *supra* note 7, at 1257.

<sup>31</sup> See DERBYSHIRE & DERBYSHIRE, *supra* note 16, at 363. See generally RUTH IYOB, THE ERITREAN STRUGGLE FOR INDEPENDENCE: DOMINATION, RESISTANCE, NATIONALISM 1941-1993 (1995) (discussing the political history of Eritrea from British rule to independence) [hereinafter IYOB, ERITREAN STRUGGLE].

<sup>32</sup> See Yohannes Gebremedhin, *Brief Description of the Eritrean Legal System*, in Jonathan M. Lindsay, *Creating a Legal Framework for Land Registration in Eritrea: Consolidated Final Report to the International Legal Consultant*, U.N. Food and Agriculture Organization, Annex G, U.N. Doc. TCP/ERI/4554 (1997).

<sup>33</sup> See DAN CONNELL, AGAINST ALL ODDS: A CHRONICLE OF THE ERITREAN REVOLUTION 132 (1993).

<sup>34</sup> See IYOB, ERITREAN STRUGGLE, *supra* note 31, at 129.

<sup>35</sup> Gebremedhin, *supra* note 32, at 1.

innocence.<sup>36</sup> Private law during the transitional period was basically the "civil laws of the world."<sup>37</sup> Various committees of legal scholars, both Eritrean and foreign, worked to develop new civil, labor, commercial, and criminal codes, a project which has not yet been completed. These legal scholars and experts also assisted in drafting a new constitution, which was adopted in May 1997 following a five year process.<sup>38</sup>

While a new Eritrean legal system is being developed by the National Assembly, the Ministry of Justice, and foreign advisors, the Ethiopian legal system continues to influence the laws and legal education in Eritrea. At the nation's Law School at the University of Asmara, students regularly study Ethiopian, European, and American texts, often taught by law professors educated in Ethiopia. Courses in criminal law, contracts, civil procedure, and other basic legal courses regularly use Ethiopian treatises as texts.<sup>39</sup> While many of these texts are used for comparative purposes, they do constitute a basis of study for many courses. In the future, the Ethiopian texts will be replaced with more locally oriented materials that are being developed both at the University of Asmara and the Eritrean Ministry of Justice, as well as with Eritrean laws as they are promulgated. At present in addition to the Constitution of 1997, primary legal materials in Eritrea include not only proclamations issued by the Ministry of Justice, on topics ranging from Eritrean nationality, business licensing and regulation of the legal profession, but also laws on the press, banking, mining, income tax, investment, communications, and provisional codes.

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<sup>36</sup> See Interview with Eden Fassil, Legal Advisor to Eritrean Minister of Justice, in Asmara, Eritrea (Aug. 1994) [hereinafter Fassil Interview]. See generally *New Penal Code Conforming with Nation's Objective Reality Drafted*, ERI. PROFILE, Nov. 14, 1998, at 4 (discussing drafting of Penal Code and reasons why a new penal code is being formulated rather than relying on the Ethiopian Penal Code) [hereinafter *New Penal Code*].

<sup>37</sup> *New Penal Code*, *supra* note 36, at 4.

<sup>38</sup> See *Eritrea Adopts Changes to Constitution*, AGENCE FRANCE-PRESSE, May 23, 1997, available in 1997 WL 2120347; *Workshop on Drafting Eritrean Laws Convened*, ERI. PROFILE, Aug. 16, 1997, at 1 [hereinafter *Workshop*]; *Justice Minister Underlines Need to Draft Fair, Accountable Codes of Law*, ERI. PROFILE, Aug. 23, 1997, at 1 [hereinafter *Justice Minister*].

<sup>39</sup> See *infra* notes 87-91 and accompanying text.



### *B. Resources on the Subject of Eritrea and Its History*

For resources providing a general introduction to the history of Eritrea, see Stephen Longrigg's *A Short History of Eritrea* (1945) and Harold Marcus' *A History of Ethiopia* (1994). Coverage of the Italian colonial era may be found in *The Campaign of Adowa and the Rise of Menelik* (1969) by George Fitz-Hardinge Berkeley, *Eritrea and Ethiopia During the Scramble for Africa: A Political Biography of Ras Alula, 1875-1897* (1996) by Haggai Erlich, *Italian Colonialism: A Case Study of Eritrea, 1869-1934* (1989) by Yemane Mesghenna, and *No Medicine for the Bite of a White Snake: Notes on Nationalism and Resistance in Eritrea, 1890-1940* (1986) by Tekeste Negash. The British colonial era is the subject of G.K.N. Trevaskis' *Eritrea: A Colony in Transition 1941-52* (1960), *The First to be Freed: The Record of British Military Administration in Eritrea and Somalia, 1941-1943* (1944), issued by the British Ministry of Information, and parts of *The Eritrean Struggle for Independence: Domination, Resistance, Nationalism 1941-1993* by Ruth Iyob (1995). Post World War II is the subject of *Eritrea: A Pawn in World Politics* (1991) by Oookbazghi Yohannes and Bereket Selassie's *Conflict and Intervention in the Horn of Africa* (1980).

### *1. Ethiopian Influence*

Historic bibliographies and other writings discuss the Ethiopian system under which Eritrea functioned from 1952 until 1991. These include three bibliographies by Jacques Vanderlinden entitled *An Outline to the Bibliography of Ethiopian Law*,<sup>40</sup> *An Introduction to the Sources of Ethiopian Law From the 13th to the 20th Century*,<sup>41</sup> and *A Supplement to the Bibliography of Ethiopian Law*.<sup>42</sup> Additionally, *Putting the Legal Clock Back? The Law and Its Sources* by George Krzeczunowicz<sup>43</sup> provides useful background information. For a description of Ethiopian law after federation with Eritrea, researchers should consult Nathan

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<sup>40</sup> 3 J. ETH. L. 256 (1966).

<sup>41</sup> 3 J. ETH. L. 277 (1966).

<sup>42</sup> 4 J. ETH. L. 433 (1967).

<sup>43</sup> 3 J. ETH. L. 621 (1966).

Marein's *The Ethiopian Empire—Federation and Laws* (1954).<sup>44</sup> Also John W. Van Doren's *Positivism and the Rule of Law, Formal Systems or Concealed Values: A Case Study of the Ethiopian Legal System*<sup>45</sup> reviews historical traditions reflecting on Ethiopian legal culture.

Sources covering the period of Ethiopian federation, other than materials specifically devoted to the Thirty Years War, include *The Politics of Empire: Ethiopia, Great Britain and the United States, 1941-74* (1995) by Harold G. Marcus, *Eritrea and Ethiopia: The Federal Experience* (1997) by Tekeste Negash, *Eritrea and the United Nations and Other Essays* (1989) by Bereket Habte Selassie, and *Peasants and Nationalism in Eritrea: A Critique of Ethiopian Studies* (1989) by Jordan Gebre Medhin. In addition, *The United Nations and the Independence of Eritrea*<sup>46</sup> contains a wealth of documentary information regarding Eritrea's federation with and eventual independence from Ethiopia. One compilation by Habtu Ghebre-Ab, entitled *Ethiopia and Eritrea: A Documentary Study* (1993), collects documents ranging from nineteenth century treaties through the 1955 Ethiopian Constitution. For an analysis of the historical roots of the birth of an independent Eritrea prior to the late 1970s, researchers should consult Robert Machida's *Eritrea: The Struggle for Independence* (1987).

## 2. Eritrean Struggle for Independence

Understandably the last decade has produced more literature on Eritrea than the previous fifty years, much of it concerning the struggle for independence and an early prognosis of Eritrea's

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<sup>44</sup> See e.g., PAUL JAMES, ETHIOPIAN CONSTITUTIONAL DEVELOPMENT (1967); ASSEFA MEDHANE, ETHIOPIAN CONSTITUTIONAL DEVELOPMENT (1984); KENNETH R. REDDEN, LEGAL SYSTEM OF ETHIOPIA (1968); Rene David, *A Civil Code for Ethiopia: Considerations on the Codification of the Civil Law in African Countries*, 37 TUL. L. REV. 187 (1962-63); A. Arthur Shiller, *Customary Land Tenure Among the Highland Peoples of Northern Ethiopia: A Bibliographical Essay*, 1 AFR. L. STUD. 1 (1969).

<sup>45</sup> 3 J. TRANSNAT'L L. & POL'Y 165 (1994).

<sup>46</sup> UNITED NATIONS, THE UNITED NATIONS AND THE INDEPENDENCE OF ERITREA (U.N. Blue Book Series, Vol. 12, 1996).

statehood.<sup>47</sup> Ruth Iyob's *The Eritrean Struggle for Independence: Domination, Resistance, Nationalism 1941-93* (1995) is one of the first truly scholarly accounts of the era. Human Rights abuses during the struggle are chronicled in Human Rights Watch's *Evil Days: Thirty Years of War and Famine in Ethiopia* (1991). Works taking a more journalistic approach, often written by reporters who had experience in the field, include Dan Connell, *Against All Odds: A Chronicle of the Eritrean Revolution* (1993), Blaine Harden, *Eritrea Rebels to Form Own Rule Separate From Ethiopian Government*,<sup>48</sup> and Roy Pateman, *Eritrea: Even the Stones Are Burning* (1998). Also, *Eritrea: Miracleland* (1993) is a gripping personal narrative by Eritrean nationalist Illen Ghebrai.

A history of relief operations by a non-governmental organization during the 1980s in the Horn of Africa is published in *Without Troops and Tanks: Humanitarian Intervention in Ethiopia and Eritrea* (1994) by Mark Duffield and John Prendergast. Two novels published in English about the struggle for independence are Thomas Keneally's *To Asmara* (1989) and Bereket Habte Selassie's *Riding the Whirlwind: An Ethiopian Story of Love and Revolution* (1993). Collections of essays include *Beyond Conflict in the Horn: Prospects for Peace, Recovery and Development in Ethiopia, Somalia, Eritrea and the Sudan* (1992), edited by Martin Doornbos, Lionel Cliffe, Abdel Ghaffar M. Ahmed and John Markakis. Discussions of possible future relationships between Eritrea and Ethiopia include *Eritrea and Ethiopia: From Conflict to Cooperation* (1994), edited by Amare Tekle. *Eccentric Graces: Eritrea & Ethiopia Through the Eyes of a Traveler* (1999) by Julia Stewart is a recently published travel narrative.

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<sup>47</sup> HABTU GHEBRE-AB, ETHIOPIA AND ERITREA: A DOCUMENTARY HISTORY xii (1993); Tom Killion, *Eritrean Workers' Organization and Early Nationalist Mobilization: 1948-1958*, 2 ERI. STUD. REV. 1 (1997); Wolde-Yeshs Ammar, *The Role of Asmara Students in the Eritrean Nationalist Movement: 1948-1968*, 2 ERI. STUD. REV. 59 (1997).

<sup>48</sup> WASH. POST, May 30, 1991, at A30.

### 3. *Role of Eritrean Women in the Struggle for Independence*

Women contributed greatly to the Eritrean revolution and their role in the struggle impacts many of the legal and social reforms instituted since independence. The preamble to the Eritrean Constitution recognizes the contribution by:

[n]oting . . . the Eritrean women's heroic participation in the struggle for independence, human rights and solidarity, based on equality and mutual respect, generated by such struggle will serve as an unshakable foundation for our commitment to create a society in which women and men shall interact on the bases of mutual respect, fraternity and equality.<sup>49</sup>

A description of women's efforts can be found in Amrit Wilson's *The Challenge Road: Women and the Eritrean Revolution* (1991). Julie Wheelright, in *Letter from Eritrea*,<sup>50</sup> reports on a woman fighter's situation at the start of independence. *Eritrea: Changing the Status of Women (Reports from Around the World: Middle East and Africa)* discusses efforts, through education, political consciousness raising, and legislation, to improve the status of women in Eritrea by the EPLF and the Union of Eritrean Women.<sup>51</sup> And, Abeba Tesfagiorgis's *A Painful Season and a Stubborn Hope: The Odyssey of an Eritrean Mother* (1992) recounts one woman's experiences during the armed struggle.

Advances in the emancipation of women in Eritrea from the Italian colonial period through the first four years of independence are the subject of Asgedet Stefanos' *Women and Education in Eritrea: A Historical and Contemporary Analysis*.<sup>52</sup> Women's status through the first years of independence is the topic of James C. McKinley's *Eritrea's Women Fighters Long for Equality of War*,<sup>53</sup> Judith Matloff's *Women Battle for Rights in Eritrea*,<sup>54</sup> and

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<sup>49</sup> ERI. CONST. pmbl. (1997).

<sup>50</sup> 6 NEW STATESMAN & SOC'Y, May 21, 1993, at 13.

<sup>51</sup> 21 WOMEN'S INT'L NETWORK NEWS, Spring 1995, at 56.

<sup>52</sup> 67 HARV. EDUC. REV. 658 (1997).

<sup>53</sup> THE GUARDIAN (London), May 6, 1996, at 8.

<sup>54</sup> CHRISTIAN SCI. MONITOR, Apr. 4, 1996, at 7.

Peter Hodgins's *An Introduction to Eritrean Ongoing Revolution: Women's Nationalist Mobilization and Gender Politics in Post-War Eritrea*.<sup>55</sup> Political and social developments in Eritrea after independence, with some emphasis placed on Eritrean women, are the subject of Dan Connell's *After the Shooting Stops: Revolution in Postwar Eritrea*.<sup>56</sup> *Strategies for Change: Women and Politics in Eritrea and South Africa* by Dan Connell<sup>57</sup> discusses efforts by women to ensure support for gender issues.

#### 4. *An Independent Eritrea*

Selected works about Ethiopia after Eritrea's independence include Paul H. Brietzke's *Ethiopia's "Leap in the Dark": Federalism and Self-Determination in the New Constitution*,<sup>58</sup> Minasse Haile's *The New Ethiopian Constitution: Its Impact Upon Unity, Human Rights and Development*,<sup>59</sup> Fasil Nahum's *Constitution for a Nation of Nations: The Ethiopian Prospect* (1997), and Sandra Fullerton Joireman's *Opposition Politics and Ethnicity in Ethiopia: We Will All Go Down Together*,<sup>60</sup> analyzing the politicization of ethnicity in Ethiopia in the years following 1991. For a recent account of Eritrean-Ethiopian relations, consult Craig Calhoun, *Ethiopia's Ethnic Cleansing*.<sup>61</sup> *Emergent Eritrea: Challenges of Economic Development* (1992), by Gebre Hiwet Tesfagiorgis, is a collection of papers presented at a conference on economic policy options for Eritrea held in 1991. Randall Fegley's *Eritrea* (1995), a 125-page bibliography about Eritrea, and Tom Killion's *Historical Dictionary of Eritrea* (1998) are invaluable reference works. Marina Ottaway has recently written a book entitled *Africa's New Leaders: Democracy or State Reconstruction* (1999), discussing the promotion of democracy in Uganda, Ethiopia, and Eritrea.

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<sup>55</sup> 2 ERI. STUD. REV. 85 (1997).

<sup>56</sup> 38 RACE & CLASS 57 (1997).

<sup>57</sup> 76 REV. AFR. POL. ECON. 189 (1998).

<sup>58</sup> 39 J. AFR. L. 19 (1995).

<sup>59</sup> 20 SUFFOLK TRANSNAT'L L. REV. 1 (1996).

<sup>60</sup> 35 J. MOD. AFR. STUD. 387 (1997).

<sup>61</sup> DISSENT, Winter 1999, at 47.

5. *Politics, Society & Culture of Eritrea  
Since Independence*

In the years following Eritrea's independence, numerous articles discussing political, social, and cultural aspects have appeared in a variety of journals and newspapers including: *African Affairs*, *Africa Report*, *Dissent*, *Monthly Review*, *The Economist*, *Eritrean Studies Review*, *Christian Science Monitor*, *Financial Times*, *New York Times*, *Review of African Political Economy*, and *The Washington Post*. Some of the most useful include Hussein M. Adam's *Formation and Recognition of New States: Somaliland in Contrast to Eritrea*,<sup>62</sup> President of Eritrea Isaias Afwerki's *Challenge from Within*,<sup>63</sup> which outlines Eritrea's concept of self-determination, Peter Biles' *Birth of a Nation*,<sup>64</sup> Arlo Devlin-Brown's *Eritrea Offers Key Lessons in Nation-Building*,<sup>65</sup> Craig Calhoun's and Pamela DeLargy's *Rights After Liberation: A Report From Eritrea*,<sup>66</sup> Dan Connell's *Eritrea: Starting From Scratch*<sup>67</sup> and *New Challenges in Post-War Eritrea*,<sup>68</sup> Araya Habtai's *Between the World and the Village: The Role of Education in Sustaining and Developing an Eritrean Cultural Identity*,<sup>69</sup> Jennifer Parmelee's *Eritreans Vote in Plebiscite to Separate from Ethiopia*,<sup>70</sup> Roy Pateman's *The Legacy of Eritrea's National Question*,<sup>71</sup> David Pool's *Eritrean Independence: The Legacy of the Derg and the Politics of Reconstruction*,<sup>72</sup> and Robert Weissman's *An African Star? Free Eritrea Faces the Challenges Ahead*.<sup>73</sup>

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<sup>62</sup> 94 REV. AFR. POL. ECON. 21 (1994).

<sup>63</sup> 95 HARV. INT'L L.J. 18 (1995).

<sup>64</sup> 38 AFR. REP. 13 (1993).

<sup>65</sup> CHRISTIAN SCI. MONITOR, June 18, 1996, at 18.

<sup>66</sup> DISSENT, Summer 1996, at 129.

<sup>67</sup> 47 MONTHLY REV. 29 (1995).

<sup>68</sup> 2 ERI. STUD. REV. 129 (1997)

<sup>69</sup> 39 SCANDINAVIAN J. EDUC. RES. 181 (1995).

<sup>70</sup> WASH. POST, Apr. 28, 1993, at A13.

<sup>71</sup> SOCIETY, Sept.-Oct. 1996, at 37.

<sup>72</sup> 92 AFR. AFF. 389 (1993).

<sup>73</sup> Weissman, *supra* note 7, at 22.

### 6. *Current Sources*

Regularly updated sources providing information on the current state of affairs in Eritrea include the annual publication of Amnesty International, *Amnesty International Report*; the official English language weekly newspaper published by the Eritrean Ministry of Information, *Eritrea Profile*; and *Post Report: Eritrea*, an annual publication of the U.S. Department of State. Additional publications by the State Department are *Background Notes-Eritrea* and *Eritrea Country Report on Human Rights Practices*. Additional annual publications providing background materials and statistical tables include *The Europa World Year Book* and *Political Handbook of the World: Governments and Intergovernmental Organizations*. Also, researchers may consult the standard reference work *Political Systems of the World* (1996) by J. Denis Derbyshire and Ian Derbyshire and the quarterly publication by the Economist Intelligence Unit, *Country Profile: Ethiopia, Eritrea, Somalia, Djibouti*.

### 7. *Electronic Database Sources*

Useful electronic databases include LEXIS/NEXIS and Westlaw. For LEXIS research, the *News Library* (NEWS), *Africa Intelligence Report* (MARKET Library, IACNWS File), and *Xinhua News Agency* (MDEAFR Library, XINHUA File) are especially helpful. Westlaw databases often containing information, especially news accounts, pertinent to the study of Eritrea include *African Affairs* (AFAA), *Africa News* (AFRNEWS), *Africa News Service* (AFRNS), *Africa Report* (AFRP), *Africa Today* (AFRT), *Agence France-Press* (AGFRP), *All News Plus Wires* (ALLNEWSPLUS), and *Financial Times* (FTI).

### 8. *Internet Sources*

There are numerous Internet sources available for researching developments in Eritrea and the Horn of Africa. A few that are especially helpful include sites maintained by the U.S. State Department's Bureau of African Affairs,<sup>74</sup> the American Embassy

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<sup>74</sup> U.S. Dep't of State, Bureau of African Affairs, *The regions.africa.index file*

in Eritrea,<sup>75</sup> the United States Agency for International Development,<sup>76</sup> the Eritrean government,<sup>77</sup> and various universities<sup>78</sup> and other organizations.<sup>79</sup> The researcher's first stop on the Internet for the latest information from Eritrea, including official press releases, news stories, editorials, and discussion by Eritreans, mostly living in the United States, about developments in Eritrea and within the Eritrean Diaspora, should be the *Dehai*.<sup>80</sup>

### C. Eritrean Legal Research

With legal literature of independent Eritrea in its infancy, the principal published sources of law are codes, proclamations, decrees and orders, and regulations.<sup>81</sup> *Stare decisis* does not constitute a source of law in Eritrea. Instead, judges decide each

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(visited Nov. 5, 1998) <<http://www.state.gov/www/regions/africa/index.html>>.

<sup>75</sup> U.S. Dep't of State, *U.S. Mission to Eritrea* (visited Mar. 3, 1999) <<http://www.usia.gov/posts/eritrea>>.

<sup>76</sup> U.S. Agency for Int'l Dev., *Greater Horn Information Exchange* (visited Mar. 3, 1999) <<http://www.info.usaid.gov/HORN/index.html>>.

<sup>77</sup> Gov't of Eri., *Home Page* (visited Mar. 3, 1999) <<http://www.netafrica.org/eritrea/index.html>>.

<sup>78</sup> University of North Carolina Law Library, *U.S. Gov't Documents & Websites Containing Information About Eritrea* (visited Mar. 3, 1999) <<http://library.law.unc.edu/law/links/eria.htm>>; Stanford University Libraries, *Eritrea* (visited Mar. 3, 1999) <<http://wwwsul.Stanford.edu/depts/ssrg/africa/eritrea.html>>; University of Pennsylvania, *African Studies at Penn* (visited Mar. 3, 1999) <[http://www.sas.upenn.edu/African\\_Studies/AS.html](http://www.sas.upenn.edu/African_Studies/AS.html)>; University of Pennsylvania, *The Hornet* (visited Mar. 3, 1999) <[http://www.sas.upenn.edu/African-Studies/Hornet/menu\\_Hornet.html](http://www.sas.upenn.edu/African-Studies/Hornet/menu_Hornet.html)>; University of Indiana, *Eritrea Page* (visited Mar. 3, 1999) <<http://www.cs.indiana.edu/hyplan/dmulholl/eritrea/eritrea.html>>; University of Indiana, *The Abyssinia Cyberspace Gateway* (visited Mar. 3, 1999) <<http://www.cs.indiana.edu/hyplan/dmulholl/acg.html>>; and University of Utah, *Resources on Eritrea* (visited Mar. 3, 1999) <<http://www.cc.utah.edu/~jwr9311/MENA/National/Eritrea.html>>.

<sup>79</sup> Africa News Service, *Africa News Online* (visited Mar. 3, 1999) <<http://www.africanews.org>> (covering African news in general); Africa News Service, *Africa News Online: Eritrea* (visited Mar. 3, 1999) <<http://www.africanews.org/east/eritrea>> (providing specific coverage of Eritrea); Norwegian Council for Africa, *Index on Africa* (visited Mar. 3, 1999) <<http://www.africaindex.africainfo.no>> (covering African news in general); Norwegian Council for Africa, *Index on Africa* (visited Mar. 3, 1999) <<http://www.africaindex1.africainfo.no/countries/eritrea.html>> (providing links to other relevant sites).

<sup>80</sup> *Dehai* (visited Nov. 5, 1998) <<http://www.primenet.com/~ephrem>>.

<sup>81</sup> See Gebremedhin, *supra* note 32, at 1.



case on its own merits relying on written laws rather than previous decisions.<sup>82</sup> Many of the scholars who would normally create a body of secondary literature, such as faculty at the University of Asmara Law School, have thus far expended their energies establishing the Law Program. The professionally trained legal community is quite small, with fewer than 100 attorneys in Eritrea at the time of its independence.<sup>83</sup> The size of the legal community continues to grow, with the first class graduating from the University of Asmara Law Program in 1998.<sup>84</sup> One notable article, an interview with the Eritrean Attorney General, was published in the October 1997 issue of *The Mirror*.<sup>85</sup> The November 14, 1998 edition of *Eritrea Profile* published interviews with the President of the High Court and the Director-General of the Labour Department concerning the new Penal Code and the new Eritrean Labour Law.<sup>86</sup>

### *1. Ethiopian Influence on Eritrean Legal System*

To research Eritrean law one must not overlook the influence of Ethiopian law. During the 1960s, Ethiopia experienced a tremendous era of legal reform.<sup>87</sup> With the assistance of outside advisors from Europe and the United States, Ethiopian codes took on a decidedly European inspired civil law flavor.<sup>88</sup> Foreign Professors at the Law School in Addis Ababa created an extensive body of legal texts for classroom use. Some of these texts currently in use in Eritrea include Stanley Z. Fisher, *Ethiopian Criminal Procedure: A Sourcebook* (1969); Jacques Vanderlinden, *The Law of Physical Persons* (Art. 1-

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<sup>82</sup> See *id.*

<sup>83</sup> See Discussion with the University of Asmara Law Faculty, in Asmara, Eritrea (July 1994) [hereinafter Asmara Law Faculty Discussion].

<sup>84</sup> See Letter from Kebreab Habte Michael, Director of Law Program, University of Asmara, to Law Graduates of 1998 (1998) (on file with author).

<sup>85</sup> See *The Mirror, Dialogue: Ato Musa Naib, Attorney General* (visited Mar. 3, 1999) <<http://www.primenet.com/~ephrem/Asmara/Mirror/97oct/010231a.html>>.

<sup>86</sup> See *New Penal Code*, *supra* note 36, at 4-5.

<sup>87</sup> See Robert Allen Sedler, *The Development of Legal Systems: The Ethiopian Experience*, 53 IOWA L. REV. 562, 562 (1967).

<sup>88</sup> KENNETH R. REDDEN, *THE LEGAL SYSTEM OF ETHIOPIA* 52 (1968).

393): *Commentaries Upon the Ethiopian Civil Code* (1969); Kenneth Redden, *Ethiopian Legal Form Book* (1966); Kenneth Redden, *Forms of Law and Legal Documents* (1966); Robert Allen Sedler, *Ethiopian Civil Procedure* (1968); Robert Allen Sedler, *Conflict of Laws in Ethiopia* (1965); Philippe Graven, *An Introduction to Ethiopian Penal Law* (1965); and Peter L. Strauss (ed.), *Fetha Nagast* (1968).

At the Eritrean Ministry of Justice, efforts are now underway to adapt relevant Ethiopian law to the Eritrean system where it is advantageous to do so. Somewhat reminiscent of the early American experience of adopting the common law of England, Eritreans are finding it helpful to refer to Ethiopian law in developing their own system.<sup>89</sup> Eritrea is also making use of outside experts in drafting some laws and has consulted with world authorities on constitutions.<sup>90</sup>

Legal educators in Eritrea today include legal texts from other jurisdictions in their teaching with specific emphasis on the law of Ethiopia, civil law countries of Europe, and common law jurisdictions such as the United States. The use of outside sources, however, reflects the small size of the professionally trained legal community and the lack of Eritrean texts, rather than any general desire to adapt the laws of other nations specifically.<sup>91</sup>

## 2. *Constitution of Eritrea*

The Constitutional Commission of Eritrea (Commission) developed Eritrea's constitution over a period of several years. The National Assembly elected the Commission, which was established at the beginning of the independence period.<sup>92</sup> A

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<sup>89</sup> See Fassil Interview, *supra* note 36.

<sup>90</sup> See CONSTITUTIONAL COMMISSION OF ERITREA, INFORMATION ON STRATEGY, PLANS AND ACTIVITIES 5 (1995) (listing legal experts from the United States, the Netherlands, France, Canada, Germany, and other countries who served as an "Advisory Board of Foreign Experts"); *New Penal Code*, *supra* note 36, at 4 (discussing role of outside experts in drafting new penal code and their reference to Eritrean customary law and the penal codes of Greece, Germany, Singapore, Canada, Ethiopia, and the United States in formulating Eritrea's Penal Code).

<sup>91</sup> See Asmara Law Faculty Discussion, *supra* note 83.

<sup>92</sup> See *Establishing a Constitutional Commission*, GOV'T OF ERI., ERI. PROC. NO. 55/1994 (1994).

council of forty-two members, forty-eight percent of whom were women, reflected the various religious, ethnic, and regional backgrounds of the Eritrean people.<sup>93</sup> The Commission's membership also included representatives from various business and professional groups.<sup>94</sup> The ten member Executive Committee of the Commission included a Chairperson, Vice-Chairperson, and Secretary.<sup>95</sup> In addition to drafting the Eritrean Constitution, the Commission's charge included directives to (1) organize and manage national debate and education on constitutional principles and practices; (2) seek additional expert opinion in order to learn from the experience of other countries; and (3) establish a library in the Eritrean Secretariat for the deposit of books, articles, and other relevant materials.<sup>96</sup> A perusal of this library by the author on June 25, 1996 showed the collection to consist of approximately 1,000 books covering topics such as math, science, sociology, political science, and anthropology.<sup>97</sup>

At the first meeting, the Commission organized Government Institutions and Human Rights, Social and Cultural, Economic, and Administrative committees.<sup>98</sup> Commission members also established an advisory board of community elders, religious leaders, and a foreign advisory board to consult regarding the constitution drafting experience in other countries.<sup>99</sup>

In drafting the Eritrean Constitution, the Commission worked

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<sup>93</sup> See CONSTITUTIONAL COMMISSION OF ERITREA, DRAFTING A CONSTITUTION (Nov. 1995) [hereinafter DRAFTING A CONSTITUTION].

<sup>94</sup> See Bereket Habte Selassie, *Creating a Constitution for Eritrea*, J. DEMOCRACY, Apr. 1998, at 165.

<sup>95</sup> See DRAFTING A CONSTITUTION, *supra* note 93, at 1.

<sup>96</sup> See *id.*

<sup>97</sup> Specific titles included a twenty volume set of THE PAPERS OF THOMAS JEFFERSON; HADLEY ARKES, BEYOND THE CONSTITUTION (1990); VIRGINIA HUNTER, POLICING ATHENS: SOCIAL CONTROL IN THE ATTIC LAWSUITS, 420-320 B.C. (1994); RACE, GENDER, POWER IN AMERICA: THE LEGACY OF THE HILL-THOMAS HEARINGS (Anita Hill & Emma Jordan eds., 1995); MICHAEL DYSON, BETWEEN GOD AND GANGSTA RAP (1996); MARTIN SHEFTER, POLITICAL PARTIES AND THE STATE: THE AMERICAN HISTORICAL EXPERIENCE (1994); and QUIET REVOLUTION IN THE SOUTH: THE IMPACT OF THE VOTING RIGHTS ACT, 1965-1990 (Chandler Davidson & Bernard Grofman eds., 1994).

<sup>98</sup> See DRAFTING A CONSTITUTION, *supra* note 93, at 1.

<sup>99</sup> See *id.* at 1-2.

closely with the people of Eritrea and the Diaspora to conduct meetings to explain the issues involved and to learn the people's views and concerns.<sup>100</sup> The Commission, in an effort to develop a national consensus, conducted broad based education programs and organized discussions through conferences, pamphlets, plays, radio, and television to increase the people's understanding of the key issues.<sup>101</sup> In what might be a first in constitution-making, Eritreans living throughout the world conducted extensive discussions about the drafting of the constitution via the Internet.<sup>102</sup>

Issues proposed for public debate are contained in the Constitutional Commission of Eritrea, *Constitutional Proposals for Public Debate* (1995). These issues included the type of government, human rights and duties, administrative structure, electoral system, languages, armed forces, and security services to be considered. The workings of the Commission are discussed in Constitutional Commission of Eritrea, *The Constitutional Commission of Eritrea (CCE): Information on Strategy, Plans and Activities* (1995) and Constitutional Commission of Eritrea, *Message of the Constitutional Commission of Eritrea* (no date). The Commission produced a draft constitution in July 1996.<sup>103</sup> After a year of national debate and discussion, the Commission produced a later draft in March 1997. A specially elected Constituent Assembly of representatives from Eritrea's six regions ratified a final version of the Constitution on May 23, 1997.<sup>104</sup>

The Eritrean Constitution contains a preamble and fifty nine articles in seven chapters. The preamble calls for all Eritreans to be mindful of the struggle for independence, the sacrifice of martyrs, and the "build[ing of] a strong and advanced Eritrea on the bases of freedom, unity, peace, stability and security."<sup>105</sup> The preamble defines the core of Eritrean national values to be "unity,

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<sup>100</sup> See *id.* at 2.

<sup>101</sup> See *id.*

<sup>102</sup> See John C. Rude, *Birth of a Nation in Cyberspace*, 56 HUMANIST 17, 19 (1996).

<sup>103</sup> For a copy of the 1996 draft, see Constitutional Commission of Eri., *Draft Constitution* (visited Mar. 3, 1999) <<http://www.primenet.com/~ephrem/econst.html>>.

<sup>104</sup> See *Eritrea Adopts Changes to Constitution*, AGENCE FRANCE-PRESSE, May 23, 1997, available in 1997 WL 2120347.

<sup>105</sup> ERI. CONST. pmbl.

equality, love for truth and justice, self-reliance, and hard work.”<sup>106</sup> It notes the “heroic participation” of women in the Eritrean struggle for independence, pledges to create a society in which “women and men shall interact on the bases of mutual respect, solidarity and equality,” and states that the Constitution will be a covenant between the people and the government to bring about “justice and peace, founded on democracy, national unity and the rule of law.”<sup>107</sup>

General provisions of the Constitution call for the establishment of a unitary state, the supremacy of the Constitution, respect for fundamental human rights and duties, gender equality, and equality of all Eritrean languages.<sup>108</sup> A constitutional provision mandates that the justice system be “independent, competent and accountable,” and it directs the courts to work under a judicial system that is “capable of producing quick and equitable judgments that can easily be understood by and is accessible to all the people.”<sup>109</sup> There are also directives for the due process of law, the inviolability of the dignity of all persons, habeas corpus, presumption of innocence, the right of appeal for those convicted, and the prohibition of double jeopardy.<sup>110</sup> Also enumerated are rights to privacy and freedom of conscience, religion, expression, movement, assembly, and organization.<sup>111</sup> Other rights specified include: equality of access to social services, the right to pursue a livelihood, protection of the family, equality of men and women in a marriage, and the right to acquire, own, and dispose of property.<sup>112</sup>

The state and society have the responsibility for the preservation of historical and cultural heritage and the development of arts, sport, science, and technology.<sup>113</sup> Duties of individual citizens include the duty to owe allegiance to Eritrea,

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<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> See ERI. CONST., ch. I, arts. 1-5.

<sup>109</sup> *Id.* at ch. II, art. 10(1)-(2).

<sup>110</sup> See *id.* at ch. III, arts. 15-17.

<sup>111</sup> See *id.* at ch. III, arts. 18-19.

<sup>112</sup> See *id.* at ch. III, arts. 21-23.

<sup>113</sup> See *id.* at ch. III, art. 21.

strive for its development, and promote its prosperity.<sup>114</sup> Citizens also have a duty to defend the country, complete National Service, advance unity, respect the rights of others, and comply with the requirements of law.<sup>115</sup> Fundamental rights and freedoms are guaranteed and may be limited "only in so far as in the interests of national security, public safety or the economic well-being of the country, health or morals, for the prevention of public disorder or crime or for the protection of the rights and freedoms of others."<sup>116</sup>

Notwithstanding the above limitations of rights, certain fundamental rights and freedoms such as equality before the law, ex post facto, and religious freedom shall not be limited.<sup>117</sup> The President may declare a state of emergency, which becomes effective only with the support of two-thirds of the National Assembly.<sup>118</sup> Even during a state of emergency, certain fundamental freedoms, such as those listed above, shall not be suspended.<sup>119</sup> Persons claiming violation or denial of a fundamental right or freedom are entitled to look to a competent court to enforce or protect a right or freedom.<sup>120</sup> Courts have the power to award monetary compensation for damages as a result of the denial of a fundamental right or freedom.<sup>121</sup>

Legislative power rests with the National Assembly, which shall "have the power to enact laws and pass resolutions for the peace, stability, development and social justice of Eritrea."<sup>122</sup> The Constitution grants the National Assembly the power to approve the national budget, enact taxes, ratify international agreements, oversee the execution of laws, elect the President from within its membership, impeach, and pass resolutions and other measures necessary "for discharging its constitutional responsibilities."<sup>123</sup>

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<sup>114</sup> See *id.* at ch. III, art. 25(1).

<sup>115</sup> See *id.* at ch. III, art. 25(2)-(7).

<sup>116</sup> *Id.* at ch. III, art. 26(1).

<sup>117</sup> See *id.* at ch. III, art. 26(3).

<sup>118</sup> See *id.* at ch. III, art. 27(1)-(2).

<sup>119</sup> See *id.* at ch. III, art. 27(5).

<sup>120</sup> See *id.* at ch. III, art. 28(2).

<sup>121</sup> See *id.*

<sup>122</sup> *Id.* at ch. IV, art. 32(1).

<sup>123</sup> *Id.* at ch. IV, art. 32(3)-(12).

Article 38 instructs members of the National Assembly to “conduct themselves as humble servants of the people.”<sup>124</sup>

The President is the “Head of State and the Government of Eritrea and the Commander-in-Chief of the Eritrean Defence Forces.”<sup>125</sup> Executive authority is vested in the President, who also has the specific duty of respecting the Constitution along with the duty of ensuring the “enjoyment” of the fundamental rights and freedoms recognized under the Constitution.<sup>126</sup> As the head of state, the President has the power to not only negotiate and sign international agreements but also the power to delegate such powers.<sup>127</sup> He or she must sign laws approved by the National Assembly, ensure the execution of laws and resolutions passed by the National Assembly, and deliver an annual state of the country address to the National Assembly.<sup>128</sup> The Constitution provides the President with the power to appoint justices of the Supreme Court “upon proposal of the Judicial Service Commission and approval of the National Assembly.”<sup>129</sup> The President may, with consultation of the Public Service Administration, establish and dissolve government ministries and departments “necessary or expedient for the good governance of Eritrea.”<sup>130</sup> The President, subject to certain limitations, may also remove any person he appoints.<sup>131</sup> Qualifications for the presidency include citizenship by birth in Eritrea and membership in the National Assembly.<sup>132</sup> The President of Eritrea can hold office for no more than two five year terms.<sup>133</sup>

Chapter 6 of the Constitution vests judicial power in a Supreme Court and in other lower courts “as shall be established

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<sup>124</sup> *Id.* at ch. IV, art. 38(1).

<sup>125</sup> *Id.* at ch. V, art. 39(1).

<sup>126</sup> *Id.* at ch. V, art. 39(2)-(3).

<sup>127</sup> *See id.* at ch. V, art. 42(6).

<sup>128</sup> *See id.* at ch. V, art. 42(1), (4)-(5).

<sup>129</sup> *Id.* at ch. V, art. 42(8).

<sup>130</sup> *Id.* at ch. V, art. 42(13).

<sup>131</sup> *See id.* at ch. V, art. 42(17).

<sup>132</sup> *See id.* at ch. V, art. 40.

<sup>133</sup> *See id.* at ch. V, art. 41(2)-(3).

by law.”<sup>134</sup> Article 48(2) of Chapter 6 states that in exercising judicial power, courts “shall be free from the direction and control of any person or authority.”<sup>135</sup> Judges are to be subject to the law, a yet to be determined code of ethics and to their own “conscience.”<sup>136</sup> The Eritrean Supreme Court, as the court of last resort, has the power to interpret the Constitution and the constitutionality of laws enacted by the government or any government action.<sup>137</sup> Chapter 7 mandates the establishment of a National Bank, Civil Service Administration, Auditor General and Electoral Commission.<sup>138</sup> Amendments to the Constitution may be made upon a three-quarters majority vote of the members of the National Assembly followed by a one year waiting period and a second vote approved by four-fifths of the National Assembly.<sup>139</sup>

Materials published relevant to the study of the Constitution include John Markakis, *Eritrea's National Charter*<sup>140</sup> and John C. Rude, *Birth of a Nation in Cyberspace*.<sup>141</sup> For an early view of the vision of the EPLF, the forerunner of the governing party in Eritrea, consult the *National Democratic Programme of the Eritrean People's Liberation Front* (1977). Materials published by the Constitutional Commission of Eritrea include: *Message of the Constitutional Commission of Eritrea* (no date), *Information on Strategy, Plans, and Activities* (1995), *Constitutional Proposals for Public Debate* (1995), *Drafting a Constitution* (1995), *Draft Constitution of Eritrea* (1996), and *Constitution* (1997). Articles written by members of the Constitutional Commission include Bereket Habte Selassie's *Creating a Constitution for Eritrea*<sup>142</sup> and *What's In A Constitution?*,<sup>143</sup> Zemhret Yohannes's *Nation Building*

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<sup>134</sup> *Id.* at ch. VI, art. 48(1).

<sup>135</sup> *Id.* at ch. VI, art. 48(2).

<sup>136</sup> *Id.*

<sup>137</sup> *See id.* at ch. VI, art. 49(2).

<sup>138</sup> *See id.* at ch. VII, arts. 54-58.

<sup>139</sup> *See id.* at ch. VII, art. 59.

<sup>140</sup> 22 REV. AFR. POL. ECON. 126 (1995).

<sup>141</sup> 56 THE HUMANIST 17 (1996).

<sup>142</sup> J. DEMOCRACY, Apr. 1998, at 164.

<sup>143</sup> 13 UCIS GLOBAL VIEW 11 (May 1997).



and *Constitution Making In Eritrea*,<sup>144</sup> *Eritrea Constitutional Forum*,<sup>145</sup> and Gebre Hiwet Tesfagiorgis's *When the Drafting of a Constitution Is Not Confined to Men of Stature or Legal Experts: The Eritrean Experience*.<sup>146</sup>

### 3. Proclamations

The provisional government of Eritrea, formed by the Eritrean People's Liberation Front to administer Eritrea's affairs until an internationally monitored referendum on independence could be held,<sup>147</sup> began issuing proclamations in 1991.<sup>148</sup> The provisional government issued proclamations before the independence referendum, including proclamations on Eritrean Nationality,<sup>149</sup> Eritrean Referendum,<sup>150</sup> and Investment.<sup>151</sup> Since independence, the Eritrean Ministry of Justice has formulated dozens of proclamations issued with the full force of the law. Proclamations become effective upon publication in the *Gazette of Eritrean Laws*. Proclamations are numbered consecutively each year; the *Gazette* is numbered by annual volume.<sup>152</sup> Proclamations are published in Eritrea's working languages, Tigrinya and Arabic, with many of them published in English as well.<sup>153</sup> Proclamations published in all three languages include *Investment Proclamation*, No. 18 (1991), *Investment Proclamation*, No. 59 (1994), and *Nationality Proclamation*, No. 21 (1992).

Proclamations published in English often cover areas of the law of interest to the international community. Examples of these include *Advocates Proclamation*, No. 88 (1996), *Government*

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<sup>144</sup> 1 ERI. STUD. REV. 155 (1996).

<sup>145</sup> 96 REV. AFR. POL. ECON. 70 (1996).

<sup>146</sup> 2 ERI. STUD. REV. 143 (1998).

<sup>147</sup> See EMBASSY OF ERI., GOVERNING A NEW NATION (1995).

<sup>148</sup> See, e.g., Gebremedhin, *supra* note 32, at 1 (discussing ERI. PROC. NO. 1/1991 (1991)).

<sup>149</sup> See ERI. PROC. NO. 21/1992 (1992).

<sup>150</sup> See ERI. PROC. NO. 22/1992 (1992).

<sup>151</sup> See ERI. PROC. NO. 18/1991 (1991).

<sup>152</sup> Thus, the Press Proclamation of 1996 is cited as ERI. PROC. NO. 90/1996 (1996).

<sup>153</sup> A list of proclamations written in English that are part of the University of North Carolina Law Library's collection is provided in the attached appendix.

*Reorganization Proclamation*, No. 37 (1993), *Proclamation to Regulate the Registration of Eritrean Ships*, No. 77 (1995), *Press Proclamation*, No. 90 (1996), and *Communications Proclamation*, No. 102 (1998). Administrative regulations are issued as *Legal Notices*. These include *Income Tax Regulations*, *Legal Notice* No. 20 (1995); *Stamp Duty Regulations*, *Legal Notice* No. 23 (1995); and *Standards Mark and Fees Regulations*, *Legal Notice* No. 35 (1997). Legal notices are published in the *Gazette of Eritrean Laws* and take effect upon publication.<sup>154</sup>

#### 4. Other Resources

There is a growing body of literature about the Eritrean legal system being written by LL.M. and Ph.D. students. Mengsteab Negash's thesis on Eritrean investment laws<sup>155</sup> and Peggy Ann Hoyle's dissertation on national identity, education, and the Constitution<sup>156</sup> are among the first. Mr. Negash's LL.M. thesis<sup>157</sup> analyzes Eritrean investment laws. In his thesis, the Eritrean Law Professor writes about the program created by the Eritrean government in an effort to encourage private sector development in Eritrea.<sup>158</sup> He describes Eritrea's governmental structure, its economic history, legal framework, and judicial system in order to situate *Investment Proclamation*, No. 59 (1994) in Eritrea's economic development scheme.<sup>159</sup> The Investment Proclamation offers incentives and guarantees to attract investors, provides for

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<sup>154</sup> The last article of regulations and proclamations contain a come into force or effective date. See, e.g., ERI. PROC. NO. 22/1995, art. 17 (1995). ("These regulations shall come into force on the date of their publication in the Gazette of Eritrean Laws."); ERI. PROC. NO. 102/1988, art. 55 (1998) ("This Proclamation shall enter into force on the day of its publication in the Gazette of Eritrean Laws.").

<sup>155</sup> Mengsteab Negash, *Private Investment Law and Economic Development in Eritrea* (1997) (unpublished LL.M. thesis, University of Wisconsin) (held in the collection of the University of North Carolina Law Library); Mengsteab Negash, *Investment Laws in Eritrea*, 24 N.C. J. INT'L L. & COM. REG. 313 (1999).

<sup>156</sup> Peggy Ann Hoyle, *Eritrean National Identity: The Role of Education and the Constitution* (1997) (unpublished Ph.D. dissertation, University of North Carolina at Chapel Hill) (held in the collection of the Davis Library, University of North Carolina at Chapel Hill).

<sup>157</sup> See Negash, *supra* note 155.

<sup>158</sup> See *id.*

<sup>159</sup> See *id.*

dispute settlement mechanisms, and identifies institutions responsible for implementing dispute resolution procedures.<sup>160</sup> This thesis also provides a wealth of information and citations for Eritrean laws and policies governing the commercial sector, including the Eritrean Investment Center,<sup>161</sup> Technology Transfer,<sup>162</sup> the Transitional Commercial Code,<sup>163</sup> and Business Licensing.<sup>164</sup>

Dr. Hoyle's dissertation<sup>165</sup> examines Eritrean national identity and how the government of Eritrea, through its educational system and constitution-making process, promotes it.<sup>166</sup> Dr. Hoyle details the process used in drafting the Eritrean Constitution and analyzes the ways in which the Constitution promotes national identity.<sup>167</sup> Dr. Hoyle's bibliography cites a number of papers presented at the International Symposium on the Making of the Eritrean Constitution held in 1995, which covered topics ranging from legislative power, decentralization, economic rights and the electoral system to social and cultural rights and equality guarantees.<sup>168</sup> This dissertation is one of the first works on the Eritrean Constitution since its adoption that was not written by a member of the Constitutional Commission.

*Institutional Change in the Horn of Africa the Allocation of Property Rights and Implications for Development*<sup>169</sup> is a third useful dissertation for the study of the evolution of Eritrean law. In this work, Dr. Joireman, by examining court records and conducting interviews, studies the development of property rights

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<sup>160</sup> See *id.* at 4.

<sup>161</sup> See *id.* at 46.

<sup>162</sup> See *id.* at 53.

<sup>163</sup> See *id.* at 53-54.

<sup>164</sup> See *id.* at 60.

<sup>165</sup> See Hoyle, *supra* note 156.

<sup>166</sup> See *id.*

<sup>167</sup> See *id.*

<sup>168</sup> See *id.* at 223-38.

<sup>169</sup> Sandra Fullerton Joireman, *Institutional Change in the Horn of Africa the Allocation of Property Rights and Implications for Development* (1995) (unpublished Ph.D. dissertation, University of California, Los Angeles) (held in the collection of the University of North Carolina Law Library).

and land tenure in parts of Ethiopia and Eritrea during the first three-quarters of the twentieth century.

As a newly independent country whose legal system is transitional in nature, there has not been an over abundance of law review articles or treatises written about Eritrea. The Winter 1999 issue of the North Carolina Journal of International Law and Commercial Regulation, however, focuses solely on Eritrea.<sup>170</sup> Many articles published in English to date that mention Eritrea have revolved around the themes of Eritrea's right of secession and self-determination<sup>171</sup> and Eritrea's struggle for independence.<sup>172</sup> One book on the topic of Eritrean self-determination, originally a dissertation at the University of Uppsala, is Eyassu Gayim's *The Eritrean Question: The Conflict Between the Right of Self-Determination and the Interests of States* (1998). Another relevant title is Jorri Duursma's *Fragmentation and the International Relations of Micro-States: Self-determination and Statehood*, written in 1996.

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<sup>170</sup> See Bereket Habte Selassie, *Democracy and the Role of Parliament Under the Eritrean Constitution*, 24 N.C. J. INT'L L. & COM. REG. 227 (1999); Richard A. Rosen, *Constitutional Process, Constitutionalism, and the Eritrean Experience*, 24 N.C. J. INT'L L. & COM. REG. 263 (1999); Mengsteab Negash, *Investment Laws in Eritrea*, 24 N.C. J. INT'L L. & COM. REG. 313 (1999); Peggy Hoyle, *The Eritrean National Identity: A Case Study*, 24 N.C. J. INT'L L. & COM. REG. 381 (1999); Thomas R. French, *Legal Literature of Eritrea: A Bibliographic Essay*, 24 N.C. J. INT'L L. & COM. REG. 417 (1999); Wendy Pitcher Wilson, Comment, *The Deportation of "Eritreans" from Ethiopia: Human Rights Violations Tolerated by the International Community*, 24 N.C. J. INT'L L. & COM. REG. 451 (1999); Jason R. Wilson, Note, *Eritrean Land Reform: The Forgotten Masses*, 24 N.C. J. INT'L L. & COM. REG. 497 (1999).

<sup>171</sup> See, e.g., Minasse Haile, *The Legality of Secessions: The Case of Eritrea*, 8 EMORY INT'L L. REV. 479 (1994); Chris N. Okeke, *A Note on the Right of Secession As a Human Right*, 3 ANN. SURV. INT'L & COMP. L. 27 (1996); Bereket Habte Selassie, *Self-Determination in Principle and Practice: The Ethiopian-Eritrean Experience*, 29 COLUM. HUM. RTS. L. REV. 91 (1997); Gerry J. Simpson, *The Diffusion of Sovereignty: Self-Determination in the Postcolonial Age*, 32 STAN. J. INT'L L. 255 (1996).

<sup>172</sup> See, e.g., Trevor A. Delaney, *Article 2 (7) of the United Nations Charter: Hindrance to the Self-Determination of Western Sahara and Eritrea?*, 4 EMORY INT'L L. REV. 413 (1990); Catherine J. Iorns, *Indigenous Peoples and Self-Determination: Challenging State Sovereignty*, 24 CASE W. RES. J. INT'L L. 199 (1992); Gebre Hiwet Tesfagiorgis, *Self-Determination: Its Evolution and Practice by the United Nations and Its Application to the Case of Eritrea*, 6 WIS. INT'L L.J. 75 (1987); *Eritrea's Claim to Self-Determination*, 1981 INT'L COMM. JURISTS REV. 8.

A few articles from law reviews and other periodical publications devoted to Eritrean legal topics other than the Constitution and self-determination are also available. Two early works include *Women Can Only Be Free When the Power of Kin Groups Is Smashed: New Marriage Laws and Social Change in the Liberated Zones of Eritrea* by Trish Silkin<sup>173</sup> and *Eritrean Customary Law* by F.F. Russell.<sup>174</sup> A more recent publication dealing with the Eritrean government's efforts at land reform through the Land Proclamation<sup>175</sup> is Sandra Fullerton Joireman's *The Minefield of Land Reform: Comments on the Eritrean Land Proclamation*.<sup>176</sup> Kjetil Tronvoll's *The Process of Nation-Building in Post-War Eritrea: Created from Below or Directed from Above?*<sup>177</sup> comments on the Proclamation for the Establishment of Regional Administrations,<sup>178</sup> the Land Proclamation,<sup>179</sup> the Investment Proclamation,<sup>180</sup> and related government policies as illustrative of the Eritrean government's development strategy. *Creating a Legal Framework for Land Registration in Eritrea: Consolidated Final Report of the International Legal Consultant* (1997) by Jonathan M. Lindsay, a consultant to the Eritrean government, is an in-depth study of the background of land reform published by the Food and Agriculture Organization of the United Nations. This study includes an unofficial translation of the Land Proclamation<sup>181</sup> as well as an introduction to the Eritrean legal system by the Eritrean lawyer, Yohannes Gebremedhin.<sup>182</sup>

Tort law in Eritrea is discussed in Mauro Bussani's *Tort Law and Development: Insights into the Case of Ethiopia* and

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<sup>173</sup> 17 INT'L J. SOC. L. 147 (1989).

<sup>174</sup> 3 J. AFR. L. 99 (1959).

<sup>175</sup> See Lindsay, *supra* note 32, at Annex F.

<sup>176</sup> 95 AFR. AFF. 269 (1996).

<sup>177</sup> 36 J. MOD. AFR. STUD. 461 (1998).

<sup>178</sup> ERI. PROC. NO. 86/1996 (1996).

<sup>179</sup> ERI. PROC. NO. 58/1994 (1994).

<sup>180</sup> ERI. PROC. NO. 58/1994 (1994).

<sup>181</sup> See Lindsay, *supra* note 32, at Annex F.

<sup>182</sup> See Gebremedhin, *supra* note 32, at Annex G.

Eritrea.<sup>183</sup> Michael McCord's article, *Democracy Building in Eritrea*, deals with Eritrea's transition to a civilian government with references to the judicial and legal systems.<sup>184</sup> One treatise devoted to law in the Horn of Africa with reference to Eritrea is *Transplants Innovation and Legal Tradition in the Horn of Africa*, edited by Elisabetta Grande in 1995. In this book the influence of American law on the legal systems of Ethiopia and Eritrea is mentioned in two papers,<sup>185</sup> and there is a short essay on the tort systems of Eritrea and Ethiopia.<sup>186</sup>

### 5. International Treaties and Agreements

Eritrea is a party to several international treaties and agreements. As a member of the United Nations since 1993, Eritrea has been admitted to many of the United Nations affiliated bodies,<sup>187</sup> including the Food and Agriculture Organization, World Bank, International Monetary Fund, International Maritime Organization, United Nations Industrial Development Organization, and the World Intellectual Property Organization.<sup>188</sup> In addition, Eritrea joined the Organization of African Unity shortly after the independence referendum was concluded<sup>189</sup> and is a party to the Lome Convention.<sup>190</sup> Eritrea signed the treaty

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<sup>183</sup> 40 J. AFR. L. 43 (1996).

<sup>184</sup> *Africa Law Today* (July 1997) (visited Nov. 4, 1998) <[http://www.africanews.org/specials/law\\_july97.html](http://www.africanews.org/specials/law_july97.html)>.

<sup>185</sup> See Ugo Mattei, *The New Ethiopian Constitution: First Thoughts on Ethical Federalism and the Reception of Western Institutions*, in *TRANSPLANTS INNOVATION AND LEGAL TRADITION IN THE HORN OF AFRICA* 111 (Elisabetta Grande ed. 1995) [hereinafter *TRANSPLANTS*]; Luca Catellani, *L'Etiopia verso il federalismo: uno sguardo ad altre esperienze africane*, in *TRANSPLANTS*, *supra*, at 239. Both articles are published in Italian.

<sup>186</sup> See Mauro Bussani, *Short Notes on Tort Law in Ethiopia and Eritrea*, in *TRANSPLANTS*, *supra* note 185, at 373.

<sup>187</sup> See *POLITICAL HANDBOOK OF THE WORLD: GOVERNMENTS AND INTERGOVERNMENTAL ORGANIZATIONS AS OF JANUARY 1, 1998* 296 (Arthur S. Bans & Thomas C. Muller eds., 1998).

<sup>188</sup> See generally *EUROPA WORLD YEAR BOOK*, *supra* note 7, at 101 (listing memberships in UN Specialized Agencies).

<sup>189</sup> See *BBC Summary of World Broadcasts*, June 7, 1993, available in LEXIS, News Library, BBCSWB File.

<sup>190</sup> See *EUROPA WORLD YEAR BOOK*, *supra* note 7, at 1258.

establishing the Common Market for Eastern and Southern Africa (COMSEA) during its first year of independence.<sup>191</sup> Eritrea acceded to the International Fund for Agriculture Development in March 1994<sup>192</sup> and accepted the Statute of the International Court of Justice on May 12, 1993.<sup>193</sup> Other treaties signed by Eritrea include the Convention on the Rights of the Child<sup>194</sup> and the African Nuclear Weapon Free Zone Treaty.<sup>195</sup>

### III. Conclusion

Eritrea is one of the world's newest and poorest countries. It has undertaken a bold experiment in the African context to develop laws that are fair and accountable<sup>196</sup> in hopes of safeguarding the rights of all Eritrean citizens.<sup>197</sup> As a nation in transition, Eritrea has many tasks ahead of it in order to truly develop its proposed legal system. The ratification of the Constitution in 1997 has provided Eritrea a framework with which to develop. While it is too early in the development of the Eritrean legal system for a thorough analytical study, given the goodwill and support of most of Eritrea's citizens, the government has progressed towards its goal of creating a fair and accountable legal system. As it enters a new constitutional era, elections are held, and the National Assembly begins its work, great things may come from this small nation on the Red Sea. This bibliographic essay reflects only the beginning of the legal literature of independent Eritrea.

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<sup>191</sup> See Treaty Establishing Common Market for Eastern and Southern Africa, Nov. 5, 1993, 33 I.L.M. 1067.

<sup>192</sup> See *Recent Actions Regarding Treaties to Which the United States Is a Party*, 33 I.L.M. 1062 (1994).

<sup>193</sup> See *Recent Actions Regarding Treaties to Which the United States Is a Party*, 32 I.L.M. 1688 (1993).

<sup>194</sup> See *International Developments*, 39 J. AFR. L. 238 (1995).

<sup>195</sup> See Organization of African Unity: African Nuclear Weapon Free Zone Treaty, Apr. 11, 1996, 35 I.L.M. 698.

<sup>196</sup> See *Justice Minister*, *supra* note 38, at 1.

<sup>197</sup> See *Workshop*, *supra* note 38, at 1.

## Appendix

### **Eritrean Primary Legal Source Materials Contained in the Holdings of the University of North Carolina Law Library**

*Materials published in the Eritrean language of Tigrinya are marked appropriately.*

#### 1991 Publications

*Investment Proclamation, GOV'T OF ERI., PROCLAMATION NO. 18/1991 (1991)*

#### 1992 Publications

*Eritrean Nationality Proclamation, GOV'T OF ERI., PROCLAMATION NO. 21/1992 (1992)*

*Eritrean Referendum Proclamation, GOV'T OF ERI., PROCLAMATION NO. 22/1992 (1991)*

#### 1994 Publications

*Constitutional Commission (Establishment) Proclamation, GOV'T OF ERI., PROCLAMATION NO. 55/1994 (1994)*

*Customs Tariff Regulations, GOV'T OF ERI., LEGAL NOTICE NO. 10/1994 (1994)*

*Regulations to Provide for the Registration of Non-Governmental Organizations, GOV'T OF ERI., LEGAL NOTICE NO. 17/1994*

*Land Tenure System and Functions of the Land Commission Proclamation, GOV'T OF ERI., PROCLAMATION NO. 58/1994 (1994) (published in Tigrinya only)*

*Investment Proclamation, GOV'T OF ERI., PROCLAMATION NO. 59/1994 (1994)*



*Powers and Functions of the Eritrean Aid & Rehabilitation Commission Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 60/1994 (1994)

*Registration of Non-Governmental Organizations Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 61/1994 (1994)

*Payment of Stamp Duty Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 65/1994 (1994)

#### 1995 Publications

*Business Licensing System Control & the Business Licensing Office Establishment*, GOV'T OF ERI., PROCLAMATION NO. 72/1995 (1995)

*Income Tax Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 20/1995 (1995)

*Rural Agricultural Income Tax & Cattle Tax Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 21/1995 (1995)

*Sales & Excise Tax Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 22/1995 (1995)

*Stamp Duty Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 23/1995 (1995)

*Regulations on Petroleum Operations*, GOV'T OF ERI., LEGAL NOTICE NO. 24/1995 (1995)

*International Financial Organizations Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 76/1995 (1995)

*Registration of Ships Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 77/1995 (1995)

*Proclamation to Approve the Loan Agreement Between the Government of Eritrea and the Abu Dhabi Fund for Development, GOV'T OF ERI., PROCLAMATION NO. 78/1995 (1995)*

*Proclamation to Approve the Loan Agreement Between the Government of Eritrea and the Saudi Fund for Development, GOV'T OF ERI., PROCLAMATION NO. 79/1995 (1995)*

*Proclamation to Approve the Loan Agreement Between the Government of Eritrea and the Arab Bank for Economic Development in Africa, GOV'T OF ERI., PROCLAMATION NO. 80/1995 (1995)*

*Proclamation to Approve the Loan Agreement Between the Government of Eritrea and the Kuwait Fund for Arab Economic Development, GOV'T OF ERI., PROCLAMATION NO. 81/1995 (1995)*

#### 1996 Publications

*National Commission on the Zukar-Hanish Archipelagos Dispute and Marine Boundaries Delineation Establishment, GOV'T OF ERI., PROCLAMATION NO. 84/1996 (1996)*

*Establishment of Regional Administration, GOV'T OF ERI., PROCLAMATION NO. 86/1996 (1996) (published in Tigrinya)*

*Development Credit Agreement (Community Development Fund Project), GOV'T OF ERI., PROCLAMATION NO. 87/1996 (1996)*

*Advocates, GOV'T OF ERI., PROCLAMATION NO. 88/1996 (1996)*

*Press Proclamation, GOV'T OF ERI., PROCLAMATION NO. 90/1996 (1996)*

#### 1997 Publications

*ERI. CONST. (1997)*

*Regulations for Closing the Asmara Chamber of Commerce*, GOV'T OF ERI., LEGAL NOTICE NO. 30/1997 (1997) (published in Tigrinya)

*Regulations to Determine the Distribution and Administration of Land*, GOV'T OF ERI., LEGAL NOTICE NO. 31/1997 (published in Tigrinya only).

*Registration of Land and Other Immovable Property*, GOV'T OF ERI., PROCLAMATION NO. 95/1997 (1997)

*Bank of Eritrea*, GOV'T OF ERI., PROCLAMATION NO. 93/1997 (1997)

*Financial Institutions*, GOV'T OF ERI., PROCLAMATION NO. 94/1997 (1997)

*Amendments to the Administration of Justice Proclamation (No. 1/1991) and the Civil and Criminal Law Proclamation (No. 25/1992)*, GOV'T OF ERI., PROCLAMATION NO. 101/1997 (1997) (published in Tigrinya)

*Eritrean Standards Regulation*, GOV'T OF ERI., LEGAL NOTICE NO. 33/1997 (1997)

*Standards Mark and Fees Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 34/1997 (1997)

*Weights and Measures Regulations*, GOV'T OF ERI., LEGAL NOTICE NO. 35/1997 (1997)

#### 1998 Publications

*Communications Proclamation*, GOV'T OF ERI., PROCLAMATION NO. 102/1998 (1998)

